

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**JOHN DOE,**

**Plaintiff,**

**v.**

**CITY OF ST. LOUIS, MISSOURI et al.,**

**Defendants.**

**Case No. 4:10-CV-2158 JCH**

**DEFENDANTS CITY OF SAINT LOUIS AND EUGENE STUBBLEFIELD'S  
ANSWER TO PLAINTIFF'S COMPLAINT**

COME NOW Defendants City of Saint Louis, Missouri, and Eugene Stubblefield (collectively "Defendants") and for their Answer to Plaintiff's Complaint deny everything not specifically admitted and in particular state to the Court the following:

**INTRODUCTION**

1. Defendants admit only that Doe was a pre-trial detainee at the City Justice Center and/or Medium Security Institute. Defendants otherwise deny the allegations within paragraph 1.

**JURISDICTON AND VENUE**

2. In response to paragraph 2 of the Complaint, Defendants admit that Plaintiff invokes the jurisdiction of the Court, but otherwise deny any genuine, valid or legitimate claim for damages as stated or alleged in the Complaint.

3. Admit.

## **PARTIES**

4. Defendants admit only that Doe was a pre-trial detainee at the City Justice Center and/or Medium Security Institute. Defendants otherwise deny the allegations within paragraph 4.

5. Admit.

6. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 6 and therefore deny same.

7. Admit.

8. Defendants admit only that Stubblefield is the Superintendent for the Division of Corrections in the City of St. Louis. Defendants otherwise deny the allegations within paragraph 8.

9. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 9 and therefore deny same.

10. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 10 and therefore deny same.

11. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 11 and therefore deny same.

12. Deny.

## **FACTUAL ALLEGATIONS**

13. Admit.

14. Admit.

15. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 15 and therefore deny same.

16. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 16 and therefore deny same.

17. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 17 and therefore deny same.

18. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 18 and therefore deny same.

19. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 19 and therefore deny same.

20. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 20 and therefore deny same.

21. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 21 and therefore deny same.

22. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 22 and therefore deny same.

23. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 23 and therefore deny same.

24. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 24 and therefore deny same.

25. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 25 and therefore deny same.

26. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 26 and therefore deny same.

27. Deny.

28. Deny.

29. Deny.

30. Deny.

31. Deny.

32. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 32 and therefore deny same.

33. Deny.

34. Deny.

35. Deny.

36. Deny, including subparagraphs 36(A) through 36(G).

37. Deny.

38. Deny.

39. Defendants are without sufficient information with which to admit or deny the allegations within paragraph 39 and therefore deny same.

#### **COUNT I**

40. Defendants incorporate by reference paragraphs 1 through 39 as though fully set forth herein.

41. Deny.

42. Deny.

#### **COUNT II**

43. Defendants incorporate by reference paragraphs 1 through 42 as though fully set forth herein.

44. Deny.

45. Deny.

### **AFFIRMATIVE DEFENSES**

1. For further answer and defense, Plaintiff's Complaint fails to state a cause of action or claim upon which relief can be granted against Defendants.

2. For further answer and defense, Plaintiff's Complaint against Defendants is barred by the doctrines of qualified and official immunity.

3. For further answer and defense, this Court lacks subject matter jurisdiction to hear Plaintiff's Complaint against Defendants because Plaintiff has failed to exhaust his administrative remedies and grievances within the facility in which plaintiff is confined prior to bringing this action.

4. For further answer and defense, any injury or damage, if any, sustained by Plaintiff was the direct and proximate result of Plaintiff's own negligence, carelessness and comparative fault contributing thereto.

5. For further answer and defense, Plaintiff's claim for punitive damages violates the Fifth, Sixth, Seventh, Eighth and Fourteenth Amendments of the United States Constitution, as well as Article I, Sections 2, 18(a), 19, 21 and 22(a) of the Missouri Constitution.

WHEREFORE, the City prays:

1. That Plaintiff takes nothing by his Complaint;
2. That each of the claims asserted in Plaintiff's Complaint be dismissed with prejudice;
3. For costs of suit herein, including reasonable attorneys' fees; and
4. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

PATRICIA A. HAGEMAN,  
CITY COUNSELOR

/s/ Daniel J. Emerson

Daniel J. Emerson #56808MO  
Assistant City Counselor  
Attorney for Defendants City of Saint Louis  
and Eugene Stubblefield  
City Hall, Room 314  
Saint Louis, MO 63103  
314.622.3361  
FAX: 314.622.4956  
EmersonD@stlouiscity.com

### **Certificate of Service**

I hereby certify that on January 14, 2011, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon:

Mr. Anthony E. Rothert  
Mr. Grant R. Doty  
ACLU of Eastern Missouri  
Attorneys for Plaintiff  
454 Whittier Street  
Saint Louis, MO 63108

Mr. Peter J. Dunn  
Ms. Jessica L. Liss  
RABBITT, PITZER & SNODGRASS, P.C.  
100 South Fourth Street, Suite 400  
Saint Louis, MO 63102-1821

/s/ Daniel J. Emerson